

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LASHAUNDA M. MCDANIEL,

Plaintiff,

v.

PATRICK R. DONAHOE, et al.,

Defendants.

Case No. [12-cv-05944-JSC](#)

ORDER DENYING COSTS

Re: Dkt. No. 80

The Court previously granted summary judgment in favor of Defendant Patrick R. Donahue, Postmaster General of the United States Postal Service, and against pro se Plaintiff LaShaunda McDaniel. (Dkt. No. 78.) Defendant subsequently filed a Bill of Costs for \$2,645 against Plaintiff, who was previously granted leave to proceed in forma pauperis due to her limited financial resources. Plaintiff has filed an objection to Defendant's Bill of Costs. (Dkt. No. 82.)


Federal Rule of Civil Procedure 54(d)(1) provides that, "unless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party." Fed. R. Civ. P. 54(d)(1). Thus, "Rule 54(d)(1) creates a presumption in favor of awarding costs to a prevailing party, but the district court may refuse to award costs within its discretion." *Champion Produce, Inc. v. Ruby Robinson Co., Inc.*, 342 F.3d 1016, 1022 (9th Cir. 2003). It is incumbent upon the non-prevailing party to demonstrate why costs should be denied. *Stanley v. Univ. of S. Cal.*, 178 F.3d 1069, 1079 (9th Cir. 1999). The Ninth Circuit has approved the following as appropriate reasons for denying costs: "(1) a losing party's limited financial resources; (2) misconduct by the prevailing party; and (3) the chilling effect of imposing . . . high costs on future civil rights litigants." *Champion Produce, Inc.*, 342 F.3d at 1022.

Plaintiff's objection to the Bill Costs explains that, although employed, Plaintiff earns an

1 average of only \$1,000 a month. Further, Plaintiff's costs of living, including childcare, exceed
2 her monthly earnings. In addition to forcing Plaintiff to make potentially devastating cuts to her
3 family's monthly budget, requiring Plaintiff to pay nearly three months of wages would constitute
4 a "high cost" that would likely cause a chilling effect on future civil rights litigants. *Champion*
5 *Produce, Inc.*, 342 F.3d at 1022. The Court accordingly DENIES Defendant's request for costs.

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7 **IT IS SO ORDERED.**

8 Dated: October 22, 2014

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12 JACQUELINE SCOTT CORLEY
13 United States Magistrate Judge
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